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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,237	10/19/2001	Hartwig Lange	214799US0CONT	8220

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EXAMINER

GORR, RACHEL F

ART UNIT PAPER NUMBER

1711

DATE MAILED: 09/16/2003

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 0911

Application Number: 09/982,237
Filing Date: October 19, 2001
Appellant(s): LANGE ET AL.

Frederick D. Vastine
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 14, 2003.

(1) *Real Party in Interest*

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A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

No amendment after final has been filed.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 6-11 and 19-21 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

US 4,098,933 Burkhardt et al.; July 4, 1978

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(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 8-11 and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Burkhardt. Burkhardt discloses high solids (30-70 wt. % solids-col. 6, line 65) aqueous dispersions of mixtures of totally blocked polyisocyanates (blocked, hydrophobic polyisocyanate) and polyisocyanates partially blocked and partially reacted with a hydrophilic compound, which would be the same as the appellant's blocked, hydrophilic polyisocyanate. He makes this mixture by first blocking 50-99.8% (col. 5, line 3) of the isocyanate groups, and then adding a hydrophilic, isocyanate reactive compound to react with the remaining unblocked isocyanate groups (bottom col. 5). At the top of col. 4, he discloses carboxylic acid containing hydrophilic materials, and, in col. 6, lines 20-30, he discusses neutralizing carboxyl groups with amines. In example 9, Burkhardt blocks 90 % of the isocyanates, and reacts the other 10% with the hydrophilic compound. If example 9 represented 10 moles of triisocyanate or 30 isocyanate groups, then 27 isocyanate groups would be blocked (the appellants argue that the biuretized polyisocyanates of Burkhardt are trifunctional), leaving three isocyanate groups to react with the hydrophilic compound. The reaction could proceed in three ways: nine triisocyanates could be completely blocked and one triisocyanate could be reacted with three moles of hydrophilic compound leaving zero wt.% blocked, hydrophilic polyisocyanate, or

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seven triisocyanates could be completely blocked and three triisocyanates could be diblocked and each comprise one mole of hydrophilic compound yielding about 50 wt. % blocked, hydrophilic polyisocyanate, or eight triisocyanates could be completely blocked and one of them diblocked and the other mono-blocked, which would also yield about 50 wt. % blocked, hydrophilic polyisocyanate. The average of 50, 50 and zero, would fall within the range of 20-70 wt. % blocked, hydrophilic polyisocyanate and leave 30-80 wt. % blocked, hydrophobic polyisocyanate. While most of the other example of Burkhardt would probably comprise less than 20 wt. % of blocked, hydrophilic polyisocyanate because the hydrophilic compound is lower in molecular weight than the one used in example 9, they would comprise at least 20 wt. % if Burkhardt had blocked less than 90 % of the isocyanate groups per his teaching of blocking 50-99.8 % of them.

In col. 7, line 15-25, Burkhardt discloses combining his dispersion with melamine materials having greater than 1.5 isocyanate reactive groups.

(11) Response to Argument

The appellants argue that their invention overcomes some of the disadvantages of Burkhardt, such as unreacted isocyanate (NCO) groups remaining in the dispersion. Nothing in Burkhardt suggests the presence of unreacted NCO. The appellants argue that Burkhardt represents more than two distinct components – blocked, hydrophobic and blocked, hydrophilic polyisocyanates. The claims are open to other components. The appellants argue that Burkhardt doesn't disclose the film forming melamine, which Burkhardt discusses in col. 7.


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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

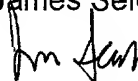
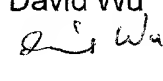

RACHEL GORR
PRIMARY EXAMINER

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September 11, 2003

Conferees

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